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FILED
MAY 26 2010

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

5 Attorneys for Plaintiff/Creditor HERBERT K. LEE, III, an individual
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8 **UNITED STATES BANKRUPTCY COURT, FOR THE**
9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10 In Re:

11 12 **TIMOTHY JOSEPH ROBERTSON, an individual**

13 **Debtor,**

14 **HERBERT K. LEE, III, an individual**

15 **Plaintiff/Creditor,**

16 **vs.**

17 18 **TIMOTHY J. ROBERTSON, an individual, and**
19 **DOES 1-10, inclusive,**

20 **Debtor/Defendant.**

Case No. 09-33960
Chapter 7
Adv. No. 10-03046

**NOTICE OF APPLICATION AND
REQUEST AND APPLICATION AND
REQUEST FOR ISSUANCE OF
ALIAS SUMMONS AND
DECLARATION OF CHRISTIAN S.
MOLNAR, ESQ.**

21 **TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:**

22 Plaintiff/Creditor, HERBERT K. LEE, III, hereby makes this Application and Request for the
23 issuance of an Alias Summons to serve on Defendant/Debtor TIMOTHY JOSEPH ROBERTSON.
24 This Application is based upon this Notice and the attached Declaration of Christian S. Molnar, Esq.

25 Dated: May 24, 2010

Law Offices of Christian S. Molnar

Christian S. Molnar

26 27 28 Christian S. Molnar, Attorney for
Plaintiff/Creditor HERBERT K. LEE III

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2 **DECLARATION OF CHRISTIAN S. MOLNAR**

3 I, Christian S. Molnar, Esq., declare as follows:

4 1. I am attorney duly admitted to practice before all of the courts of the State of California
5 and the United States Bankruptcy Court for the Northern District of California. I am a partner in the
6 Law Offices of Christian S. Molnar, attorneys of record for Plaintiff/Creditor HERBERT K. LEE, III,
7 in the above-referenced matters. I have personal knowledge of the facts set forth herein and if called
8 as a witness to testify I could and would do so competently.

9 2. I make this Declaration in support of the request for issuance of an Alias Summons.

10 3. On March 19, 2010, Plaintiff/Creditor HERBERT K. LEE, III, filed an adversary
11 complaint in the United States Bankruptcy Court for the Northern District of California and a
12 summons was issued by that Court on the same day, Adv. Case No.: 10-3046.

13 4. Through my own inadvertence, I did not serve the adversary complaint on
14 Defendant/Debtor TIMOTHY JOSEPH ROBERTSON within the time allotted by the applicable rules
15 of the Court.

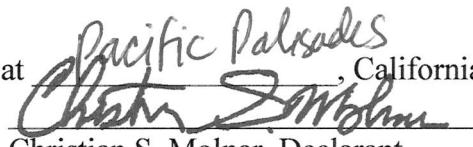
16 5. On Sunday, May 23, 2010, at 5:43 p.m., Defendant/Debtor TIMOTHY JOSEPH
17 ROBERTSON was personally served at his home address with copies of the Summons and adversary
18 complaint, *inter alia*.

19 6. Subsequently, on Monday, May 24, 2010, I was informed by Defendant/Debtor
20 TIMOTHY JOSEPH ROBERTSON's counsel, Jeena Cho, Esq., that she would be objecting to the
21 alleged untimely service of Defendant/Debtor TIMOTHY JOSEPH ROBERTSON based on the failure
22 to serve the debtor within fourteen (14) days of the issuance of the summons by the bankruptcy court.

23 7. I am making this application and request for the Court to reissue an Alias Summons so
24 that I may serve Defendant/Debtor TIMOTHY JOSEPH ROBERTSON, an his counsel, according to
25 the applicable rules of this Court.

26 8. Enclosed herewith is the original summons issued by the court which I am hereby
27 surrendering.

28 Executed on May 25, 2010, at Pacific Palisades, California


Christian S. Molnar, Declarant